

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEJAVUAI, INC., a Washington corporation,

Plaintiff,

v.

FYODOR “TED” KEPUSTIN aka FYDOR  
“TED” KAPUSTINE, an individual

Defendant.

Cause No.2:25-cv-00915-JNW

**DEFENDANT’S COUNSEL’S  
MOTION TO WITHDRAW**

**Note on Motion Calendar: June 24,  
2025**

**INTRODUCTION**

Pursuant to Local Civil Rule 83.2, Counsel for Defendant’s undersigned counsel respectfully requests that the Court grant leave for her to withdraw from representation of FYODOR “TED” KEPUSTIN aka FYDOR “TED” KAPUSTINE in the above-captioned action.

The last known address and telephone number for FYODOR “TED” KEPUSTIN aka FYDOR “TED” KAPUSTINE is:

446 164th Ave NE

Bellevue, WA 98008

Telephone: (425)240-4627\

**PROCEDURAL POSTURE**

1 This action was filed on May 16, 2025. Defendant filed its notice of appearance on May  
2 21, 2025 (Dkt#16). On May 22, 2025, this Court issued a Temporary Restraining Order  
3 (Dkt#21), setting a deadline to Show Cause on or before June 12, 2025. On May 30, 2025,  
4 Defendant filed a Motion for Extensions (Dkt#22), asking for 60-day extensions of Answer  
5 deadline and Show Cause deadline, respectively.  
6

### 7 **ARGUMENT**

8 Local Civil Rule 83.2 requires leave of the court before an attorney may withdraw an  
9 appearance in a case. An attorney's request to withdraw "is a matter for the Court's discretion."  
10 *Equal Emp't Opportunity Comm'n v. Matamoros*, No. 15-1563-RAJ, 2017 WL 27294049, at \*1  
11 (W.D. Wash. June 28, 2017). The Court considers (1) the reasons why withdrawal is sought; (2)  
12 the prejudice withdrawal may cause to other litigants; (3) the harm withdrawal might cause to  
13 the administration of justice; and (4) the degree to which withdrawal will delay the resolution  
14 of the case. *Curtis*, No. C12-0991JLR, 2014 WL 556010, at \*4 (W.D. Wash. Feb. 12, 2014).  
15 "The attorney will ordinarily be permitted to withdraw until sixty days before the discovery cut  
16 off date in a civil case." L.C.R. 83.2(b)(1).  
17

18 To request withdrawal, counsel must file a motion including "a certification that the  
19 motion was served on the client and opposing counsel." *Curtis v. Illumination Arts, Inc.*, No. 7  
20 C12-0991JLR, 2014 WL 556010, at \*3 (W.D. Wash. Feb. 12, 2014).  
21

#### 22 **A. Professional Considerations Require Withdrawal In That Counsel Is Unable to** 23 **Provide Effective Counsel to Defendant**

24 In undersigned counsel's professional judgment, she is no longer able to provide  
25 effective representation to Defendant and that Defendant would be better served with other  
26 lawyers. "[T]hese considerations implicate sensitive matters concerning [Counsel's] attorney-  
27  
28

1 client relationship” with Defendant. *Equal Emp’t Opportunity Comm’n*, No. 15-1563-RAJ,  
2 2017 WL 27294049, at \*2. Accordingly, it would be inappropriate to state here the details  
3 supporting these considerations. See Washington Rules of Prof’l Conduct r. 1.6; *Equal Emp’t*  
4 *Opportunity Comm’n*, No. 15-7 1563-RAJ, 2017 WL 27294049, at \*2. If the Court requires  
5 further explanation, Counsel requests that she be permitted to present that information *in*  
6 *camera*. In addition, Counsel has obtained Defendant’s consent for withdrawal.

7  
8 **B. Counsel’s Withdrawal Will Not Prejudice Other Litigants, Harm the**  
9 **Administration of Justice, or Delay the Resolution of the Case.**

10 This case is at its very early stage and has only one other litigant, namely, the Plaintiff,  
11 DejaVuAI, Inc. No Answer has been filed and the formal discovery has not even begun. There  
12 has been a need for extensions for a good cause because Defendant is actively looking for new  
13 counsel. There is no indication that a short extension will prejudice Plaintiff since this case has  
14 just started. A short extension of the existing deadlines to enable new counsel to become  
15 familiar with the case will not delay this proceeding in proportion to its infancy. Indeed, forcing  
16 Defendant to proceed with counsel who is not confident in her abilities to provide effective  
17 representation is far more likely to work an injustice than a minor delay in a case that has just  
18 begun.  
19

20 **C. Counsel Has Served the Motion on All Parties, Including Defendant.**

21 Concurrently with the filing of this Motion, Counsel served all adverse parties via ECF.  
22 The same day undersigned Counsel filed the Motion, she served, by email, FYODOR “TED”  
23 KEPUSTIN aka FYDOR “TED” KAPUSTINE. Song Decl.¶ 5.  
24

25 **CONCLUSION**  
26  
27  
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1 For the reasons stated above, undersigned counsel respectfully requests that the Court  
2 grants her leave to withdraw from representation of FYODOR “TED” KEPUSTIN aka FYDOR  
3 “TED” KAPUSTINE.

4  
5 Dated: June 3, 2025

Respectfully submitted,

6 /s/ Yan Song

7 Yan Song, WSBA No: 53611

8 **AEON Law, PLLC**

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11 Attorney for Defendant  
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DATED: June 3, 2025 /s/ Yan Song